



June 3, 1999

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Office of the City Attorney
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-1545

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124611.

The Dallas Police Department (the "department") received a request for

[a]ddresses of all current registered sex offenders in the city of Dallas including their:

Names, date of birth, block numbers & streets of residence.

Conviction information: penal code violation, offense description, sentence, victim's age, victim's sex, conviction date, and length of sentence.

You claim that the requested information pertaining to the numeric address of a registered sex offender is excepted from disclosure under section 552.101 of the Government Code in conjunction with article 62.08(b) of the Code of Criminal Procedure. The requestor submitted a brief supporting his request for the block numbers. We have considered the brief submitted by the requestor, the exception you claim and reviewed the submitted information.

You argue that the block numbers in the address of sex offenders are confidential pursuant to section 552.101 of the Government Code and article 62.08(b) of the Code of Criminal Procedure. Section 552.101 excepts from disclosure "information considered to be

confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes. Article 62.02(a) of the Code of Criminal Procedure requires that a person who is convicted or adjudicated of certain offenses involving sexual assault or conduct to register with the local law enforcement authority where that person resides. Article 62.02(b) requires the Department of Public Safety to develop a registration form for use by state and local law enforcement agencies and courts that includes the following information:

- (1) the person’s full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver’s license number, shoe size, and home address;
- (2) a photograph of the person and a complete set of the person’s fingerprints;
- (3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;
- (4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; and
- (5) any other information required by the department.

Code Crim. Proc. art. 62.02(b). Article 62.08 of the Code of Criminal Procedure, on the other hand, establishes the types of information contained in the registration forms that may not be released to the public and provides in pertinent part as follows:

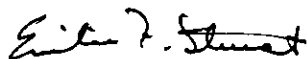
- (a) The [Texas Department of Public Safety] shall maintain a computerized central database containing only the information required for registration under this chapter.
- (b) The information contained in the database is public information, with the exception of the [registrant’s] photograph or any information:
 - (1) regarding the person’s social security number, driver’s license number, numeric street address, or telephone number;
 - (2) that is required by the department under Article 62.02(b)(5); or

(3) that would identify the victim of the offense for which the person is subject to registration.

The block numbers of the registered offenders' streets of residence are information regarding¹ the sex offender's numeric street address and must be withheld from disclosure under article 62.08 of the Code of Criminal Procedure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 124611

Encl: Submitted documents

cc: Mr. Dave Michaels
Staff Writer
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)

¹As used here, regard means to relate or refer to; concern. THE AMERICAN HERITAGE COLLEGE DICTIONARY 1149 (3d ed. 1997).